

**UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA**

Nathaniel Gold,

Plaintiff,

v.

Chief Capers Wannamaker, SMPD; Lt.
Andrew Hayes, St. Matthews Police;
Richard Murphy, Ofc SMPD; Edgar
Williams, Ofc SMPD,

Defendants.

C/A No.: 5:11-476-HMH-JRM

**DEFENDANTS LT. ANDREW HAYES,
RICHARD MURPHY AND EDGAR
WILLIAMS' NOTICE OF MOTION
AND MOTION FOR SUMMARY
JUDGMENT**

TO: NATHANIEL GOLD, THE PLAINTIFF, PRO SE:

YOU WILL PLEASE TAKE NOTICE that Defendants Lieutenant Andrew Hayes, Officer Richard Murphy and Officer Edgar Williams (herein collectively referred to as "Defendants"), by and through their undersigned counsel, do hereby move pursuant to Rule 56 of the Federal Rules of Civil Procedure, for an Order granting the Defendants summary judgment in the above captioned action on the grounds that there is no genuine issue of material fact and Defendants are entitled to judgment as a matter of law for the following reasons: 1) as a matter of law, Gold has failed to state a claim against Defendants; 2) as a matter of law, Gold has not alleged facts sufficient to establish that his Fourth Amendment rights were violated; 3) as a matter of law, Gold's false imprisonment claim fails to state a claim for which relief may be granted; 4) as a matter of law, Defendants are entitled to qualified immunity for any claims against them in their individual capacities; 5) as a matter of law, Gold is not entitled to monetary damages; and 6) as a matter of law, Gold's claims should be dismissed pursuant to 28 U.S.C. § 1915 and should count as a strike.

This motion is further based upon the laws, rules and statutes of the United States of America, the pleadings and affidavits in this case, the memorandum in support being contemporaneously filed herewith and such other material as this Court may deem just and proper.

RILEY POPE & LANEY, LLC

s/Nikole H. Boland

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